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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,506	12/19/2000	Naoto Yamamoto	14161	6961

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EXAMINER
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BUGG, GEORGE A

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/741,506

Applicant(s)

YAMAMOTO, NAOTO

Examiner

George A Bugg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 3,4,9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 and 5</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the parallel encoders of claims 5 and 6, as well as the Quantizer and VLC must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

4. The term "high speed picture search" in claims 1 and 7, is a relative term, which renders the claim indefinite. The term "high speed picture search" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite

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degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner would like to point out that all compression systems operate at some speed, which could be construed as high speed relative to one system or another. Please clarify.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,052,417 to Fujiwara et al.

6. As for claims 1, 2, 7 and 8, Applicant claims **“A compressed image data reproducing apparatus and method, comprising: a storage device for memorizing a structure of a data file in which an interval emerging an intra-coded frame and inter-coded frames composed of using a forward direction prediction from said intra-coded frame or an inter-coded frame at the past time, in a group of pictures (GOP) is variable as control data; and a system control circuit for executing motion compensation used a time correlation at the time when the image data compressed and coded by variable length codes are reproduced,**

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**wherein: a high speed picture search is executed by using said control data.”**

Column 9, line 55 through column 10, line 22, of the Fujiwara reference, teach the use a motion coding apparatus, which includes a frame memory, for memorizing the structure of data file, an image rearranger, a motion detector, as well as, a coding mode determining circuit. These elements are shown in Figure 7, and labeled as elements 1-4 respectively. It is the opinion of the Examiner that the rearranger, as well as the coding mode circuit (4), in conjunction with the prediction circuit (5) meet the limitation above concerning intra or inter coded frames composed from forward prediction.

Fujiwara states that a reference frame interval *m*, which can be an I or P frame, and which are intra and inter coded, is determined, and further that images are rearranged based on prediction and coding mode. Figure 16, shows that the value of *m* can be variable, and a GOP structure. Additionally, Fujiwara teaches motion compensation, and further discloses a high-speed picture search, in column 13, lines 58-67. While Fujiwara does not specifically disclose the use of variable length encoders, they are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Fujiwara for the purpose of creating an encoding system, which adaptively controls a reference frame interval *m*. (column 1)

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,052,417 to Fujiwara et al. as applied to claims 1 and 2 above, and further in view of US Patent No. 6,343,153B1 to Kawasaki et al.

8. As for claims 5 and 6, while Fujiwara may not specifically disclose parallel encoding sections, or a quantizer section and VLC section, column 5, lines 40-57, and

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Figure 16, of the Kawasaki reference show parallel coding circuits, a coding parameter editing circuit, and the passage disclose that element 161 is in fact a VLC.

Furthermore, as can be seen in Figures 10 and 11, the value of M can be varied as in the case of Fujiwara, therefore it would have been obvious to one of ordinary skill in the art to modify Fujiwara for the purpose of faster processing, and greater compression.

### ***Allowable Subject Matter***

9. Claims 3, 4, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George A Bugg whose telephone number is (703) 305-2329. The examiner can normally be reached on Monday-Thursday 7:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George A Bugg  
Examiner  
Art Unit 2613

GAB

February 11, 2004

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
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